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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,045	04/03/2001	Miroslav Trajkovic	US010168	1991

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,045

Applicant(s)

TRAJKOVIC ET AL.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kong et al. (US 6,782,106, hereinafter “Kong”).

Regarding claims 1-2, 8-9, Kong discloses a selective noise canceling headset (Figures 1, 2), comprising:

at least one earpiece (headphones 12 for reproducing an audio signal output from the sound producing device 10; col. 2, lines 53-63);

a microphone (microphone 20 receives external audio signals in order to monitor ambient sounds; col. 3, lines 7-18); and

a selective noise suppression circuit (volume controller 22 analyzes the external audio signals and selectively reproduces audio signals which have a volume level higher than a predetermined reference volume level, allowing the user to hear an ambient alarm sound; col. 3, lines 16-40; col. 5, lines 44-51), for in the absence of undesired noise permitting said external audio signal to be added to said selected audio signal for reproduction via said at least one earpiece (in the absence of external audio signals which are lower than the reference volume, i.e. undesired, low-volume ambient noise, the external audio signal, which is higher than the

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reference volume, i.e. a danger signal, is permitted to be mixed with the sound signal of the sound reproducing device; Fig. 5, steps 520, 522, and 54) and for preventing such reproduction of said external audio signal at times that undesired noise is present (when the external audio signal volume is lower than the reference level, thus determined to be undesired ambient noise, the external audio signal is blocked; Fig. 5, steps 520, 522).

Regarding claims 3, 10, 17, the external sound signal which qualifies as a danger signal is acoustically distinct from other ambient sounds in that its volume exceeds a predetermined reference level (col. 3, lines 21-34).

Regarding claims 4, 11, 18, the external sound can be speech which exceeds the predetermined volume level.

Regarding claims 5, 12, 19, if the external sound is below a predetermined volume level, only the reproduced audio from sound producing device 10 is transmitted to the headphones (col. 3, lines 3-6).

Regarding claims 6, 13, 16, 20, only external sound signals which qualify as danger sounds are transmitted to the headphones (col. 5, lines 1-9).

Regarding claims 7, 14, the volume of the external sound signal is increased in order to allow the user to hear the external sounds while listening to the reproduced sound signals (col. 4, lines 8-15).

Regarding claim 15, Kong discloses a selective noise canceling method, comprising:
monitoring an external audio signal (microphone 20 receives external audio signals in order to monitor ambient sounds; col. 3, lines 7-18);

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analyzing said external audio signal (volume controller 22 analyzes the external audio signals and selectively reproduces audio signals which have a volume level higher than a predetermined reference volume level, allowing the user to hear an ambient alarm sound; col. 3, lines 16-40; col. 5, lines 44-51);

amplifying portions of said external audio signal that are free of undesired noise (only external sound signals which qualify as danger sounds are transmitted to the headphones; col. 5, lines 1-9; the volume of the external sound signal is increased in order to allow the user to hear the external sounds while listening to the reproduced sound signals; col. 4, lines 8-15); and

adding said amplified portions to a selected audio signal for reproduction thereof (via mixer 28; Figure 2).

Response to Arguments

3. Applicant's arguments filed November 22, 2004 have been fully considered but they are not persuasive.

Applicant argues that Kong does not teach a selective noise suppression circuit. However, the volume controller 22 of Kong can be considered as a selective noise suppression circuit in that it selectively suppresses undesired ambient sound by blocking external audio signals having a volume below a reference level, while passing on danger sounds which exceed the reference level to the headphone speaker.

Applicant further argues with regard to claims 7 and 15 that Kong does not teach amplifying "portions of said external audio signal to be added to said selected audio signal." However, Kong clearly teaches that the volume of the external sound signal is increased in order

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to allow the user to hear the external sounds while listening to the reproduced sound signals (col. 4, lines 8-15).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

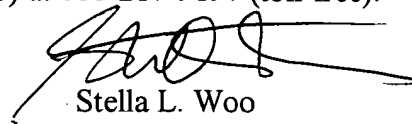
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
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